

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

**CYNTHIA A. HUCKINS**

Claimant

VS.

**RICHIE PAVING INC.**

Respondent

Self-Insured

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Docket No. 227,233

**ORDER**

Claimant appeals from a preliminary hearing Order entered by Administrative Law Judge John D. Clark on March 3, 1998.

**ISSUES**

Neither party has filed briefs in this case and the Petition for Board Review does not state the issue or issues. From review of the preliminary hearing transcript, it is apparent that the issue is whether claimant is entitled to temporary total disability benefits after terminating her employment with respondent. Claimant contends that her injuries prevented her from finding other employment and, on that basis, is entitled to temporary total disability benefits.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The issue presented by this appeal is, in effect, whether claimant was temporarily and totally disabled. The Appeals Board has limited jurisdiction to consider preliminary hearing orders. The Board may consider only allegations that an administrative law judge exceeded his or her jurisdiction. K.S.A. 1997 Supp. 44-534a and K.S.A. 1997 Supp. 44-551. The Board finds the issue presented is not a jurisdictional issue. It is not an issue subject to review at this stage of the proceedings.

**WHEREFORE**, the Appeals Board finds that claimant's appeal should be, and the same is hereby, dismissed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of April 1998.

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BOARD MEMBER

c: Ray Hodge, Wichita, KS  
Edward D. Heath, Jr., Wichita, KS  
John D. Clark, Administrative Law Judge  
Philip S. Harness, Director